

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David Richard Diller Jr.
Debtor(s)

Bankruptcy Case No.: 21-21818-CMB
Per September 13, 2021 Proceeding
Chapter: 13
Docket No.: 27 - 2
Concil. Conf.: December 2, 2021 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 31, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 2, 2021 at 09:30 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: IRS (CI #4) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

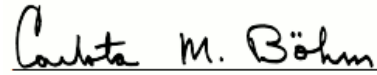
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 14, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
David Richard Diller, Jr.
Debtor

Case No. 21-21818-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 14, 2021

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 35

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 16, 2021:

Recip ID	Recipient Name and Address
db	+ David Richard Diller, Jr., 575 Sarver Road, Sarver, PA 16055-9222
cr	+ Peoples Gas Company LLC f/k/a Peoples TWP, GRB Law, Frick Building, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
15402963	+ ATI Benefits Center, 12421 Meredith Drive, Urbandale, IA 50398-9001
15402962	+ Armstrong Cable Service, 437 North Main Street, Butler, PA 16001-4358
15402964	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, P.O. Box 982235, El Paso, TX 79998-2235
15402965	+ BHS Dermatology, P.O. Box 1549, Butler, PA 16003-1549
15409190	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
15402966	+ Butler County Tax - Buffalo Township, ATTN: Carla Garia, Tax Collector, 395 Kepple Road, Sarver, PA 16055-9318
15402968	Butler County Tax Claim Bureau, Attn: Janet Mentel, P.O. Box 1208, Butler, PA 16003-1208
15402969	Butler Medical Providers, PO Box 1549, Butler, PA 16003-1549
15402974	+ Freeport EMS, P.O. Box 158, Freeport, PA 16229-0158
15402979	National Enterprise Systems, 3479 Edison Boulevard, Unit A, Twinsburg, OH 44087-2340
15402984	+ PNC Bank, P.O. Box 747032, Pittsburgh, PA 15274-7032
15402981	+ People's Gas, ATTN: Billing Dept., P.O. Box 747105, Pittsburgh, PA 15274-7105
15402980	+ People's Gas, ATTN: Bankruptcy Dept, 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212-5866
15404383	+ Peoples Gas Company LLC, f/k/a Peoples TWP, c/o GRB Law, Frick Building, 437 Grant St., 14th Fl., Pittsburgh, PA 15219-6101
15402986	+ Radius Global Solutions, 7831 Glenroy Road, Suite 250-A, Minneapolis, MN 55439-3132
15402989	Wells Fargo, P.O. Box 19657, Irvine, CA 92623-9657
15405343	+ Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh NC 27605-1000

TOTAL: 19

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15402970	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 14 2021 23:45:07	Capital One Bank, P.O. Box 5155, Norcross, GA 30091
15402972	Email/PDF: DellBKNotifications@resurgent.com	Sep 14 2021 23:45:04	Dell Preferred Account, Payment Processing Center, P.O. Box 6403, Carol Stream, IL 60197-6403
15402973	Email/Text: mrdiscen@discover.com	Sep 14 2021 23:36:00	Discover, P.O. Box 15251, Wilmington, DE 19886-5251
15402978	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 14 2021 23:45:10	Macy's Visa, P.O. Box 8058, Mason, OH 45040-8058
15402975	Email/Text: sbse.cio.bnc.mail@irs.gov	Sep 14 2021 23:37:00	Internal Revenue Service, Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
15402976	Email/PDF: gecsedl@recoverycorp.com	Sep 14 2021 23:45:13	JC Penney/SYNCHB, P.O. Box 965007, Orlando, FL 32896-5007
15402971	Email/PDF: ais.chase.ebn@americaninfosource.com		

District/off: 0315-2

User: gamr

Page 2 of 3

Date Rcvd: Sep 14, 2021

Form ID: 149

Total Noticed: 35

		Sep 14 2021 23:45:13	Chase, P.O. Box 15153, Wilmington, DE 19886-5153
15402977	Email/Text: support@ljross.com	Sep 14 2021 23:37:00	L.J. Ross Associates, P.O. Box 6099, Jackson, MI 49204-6099
15402983	Email/Text: Bankruptcy.Notices@pnc.com	Sep 14 2021 23:37:00	PNC Bank, P.O. Box 5570, Cleveland, OH 44101-0570
15402982	Email/Text: Bankruptcy.Notices@pnc.com	Sep 14 2021 23:37:00	PNC Bank, P.O. Box 94982, Cleveland, OH 44101-0570
15402985	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 14 2021 23:45:08	Portfolio Recovery Associates, 120 Corporate Blvd., Suite 100, Norfolk, VA 23502
15402987	Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 14 2021 23:45:16	Sears Charge Plus, P.O. Box 183081, Columbus, OH 43218-3081
15402988	+ Email/Text: EBankruptcy@UCFS.NET	Sep 14 2021 23:37:00	United Consumer Financial Services, 865 Bassett Road, Westlake, OH 44145-1194
15402991	Email/Text: bankruptcy@firstenergycorp.com	Sep 14 2021 23:37:00	West Penn Power, P.O. Box 3687, Akron, OH 44309-3687
15407006	+ Email/Text: bankruptcy@firstenergycorp.com	Sep 14 2021 23:37:00	West Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248
15402992	Email/Text: ebankruptcy@woodforest.com	Sep 14 2021 23:37:00	Woodforest National Bank, P.O. Box 7889, Spring, TX 77387-7889

TOTAL: 16

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PNC Bank, National Association
15402967	*+	Butler County Tax -Buffalo Township, ATTN: Carla Garia, Tax Collector, 395 Kepple Road, Sarver, PA 16055-9318
15402990	##	Wells Fargo Dealer Services, P.O. Box 25341, Santa Ana, CA 92799-5341

TOTAL: 1 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 16, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 14, 2021 at the address(es) listed below:

Name	Email Address
Dai Rosenblum	on behalf of Debtor David Richard Diller Jr. Jody@dairosenblumbankruptcy.com, Dai@dairosenblumbankruptcy.com;Michael@dairosenblumbankruptcy.com

District/off: 0315-2

User: gamr

Page 3 of 3

Date Rcvd: Sep 14, 2021

Form ID: 149

Total Noticed: 35

Maria Miksich

on behalf of Creditor PNC Bank National Association mmiksich@kmlawgroup.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

S. James Wallace

on behalf of Creditor Peoples Gas Company LLC f/k/a Peoples TWP ecfpeoples@grblaw.com
PNGbankruptcy@peoples-gas.com

TOTAL: 5